

U.S. Fish and Wildlife Serv., Interior

§ 12.3

12.6 Bonded release.

Subpart B—Preliminary Requirements

12.11 Notification of seizure.

12.12 Appraisement.

Subpart C—Forfeiture Proceedings

12.21 Criminal prosecutions.

12.22 Civil actions to obtain forfeiture.

12.23 Administrative forfeiture proceedings.

12.24 Petition for remission of forfeiture.

12.25 Transfers in settlement of civil penalty claims.

Subpart D—Disposal of Forfeited or Abandoned Property

12.30 Purpose.

12.31 Accountability.

12.32 Effect of prior illegality.

12.33 Disposal.

12.34 Return to the wild.

12.35 Use by the Service or transfer to another government agency for official use.

12.36 Donation or loan.

12.37 Sale.

12.38 Destruction.

12.39 Information on property available for disposal.

Subpart E—Restoration of Proceeds and Recovery of Storage Costs

12.41 Petition for restoration of proceeds.

12.42 Recovery of certain storage costs.

Subpart F—Return of Property

12.51 Return procedure.

AUTHORITY: Act of September 6, 1966, 5 U.S.C. 301; Bald and Golden Eagles Protection Act, 16 U.S.C. 668–668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(e)–(f); Migratory Bird Treaty Act, 16 U.S.C. 704, 706–707, 712; Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718f–718g; Fish and Wildlife Act of 1956 [Airborne Hunting Amendments], 16 U.S.C. 742j–l(d)–(f); Black Bass Act, 16 U.S.C. 852d–853; Marine Mammal Protection Act of 1972, 16 U.S.C. 1375–1377, 1382; Endangered Species Act of 1973, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43, 44; Lacey Act Amendments of 1981, 95 Stat. 1073–1080, 16 U.S.C. 3371 *et seq.*; Tariff Act of 1930, 19 U.S.C. 1602–1624; Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742l; Exotic Organisms, E.O. 11987, 42 FR 26949; American Indian Religious Freedom Act, 42 U.S.C. 1996.

SOURCE: 45 FR 17864, Mar. 19, 1980, unless otherwise noted.

Subpart A—General Provisions

§ 12.1 Purpose of regulations.

The regulations of this part establish procedures relating to property seized or subject to forfeiture under various laws enforced by the Service.

§ 12.2 Scope of regulations.

Except as hereinafter provided, the regulations of this part apply to all property seized or subject to forfeiture under any of the following laws:

(a) The Eagle Protection Act, 16 U.S.C. 668 *et seq.*;

(b) The National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd *et seq.*;

(c) The Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.*;

(d) The Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 *et seq.*;

(e) The Airborne Hunting Act, 16 U.S.C. 742j–1;

(f) The Black Bass Act, 16 U.S.C. 851 *et seq.*;

(g) The Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*;

(h) The Endangered Species Act, 16 U.S.C. 1531 *et seq.*; and

(i) The Lacey Act, 18 U.S.C. 43–44.

(j) The Lacey Act Amendments of 1981, 16 U.S.C. 3371 *et seq.*

[45 FR 17864, Mar. 19, 1980; 45 FR 31725, May 14, 1980, as amended at 47 FR 56860, Dec. 21, 1982]

§ 12.3 Definitions.

(a) As used in this part:

(1) *Attorney General* means the Attorney General of the United States or an authorized representative;

(2) *Disposal* includes, but is not limited to, remission, return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

(3) *Domestic value* means the price at which the seized property or similar property is freely offered for sale at the time and place of appraisement, in the same quantity or quantities as seized, and in the ordinary course of trade. If there is no market for the seized property at the place of appraisement, such value in the principal market nearest to the place of appraisement shall be reported.